## NATIONAL INTELLIGENCER.

SENATOR GWIN'S REPLY TO COL. BENTON.

TO THE EDITORS.

WASHINGTON, DECEMBER 17, 1858. GENTLEMEN: In your paper of the 15th instant you publish a notice from Col. BENTON of the remarks made by me in the Senate on the 12th of this month, on the reference of my bill in aid of the construction of railroads in California, leading from the shores of the Pacific across the mountains in the direction of the States upon the Atlantic.

This assault upon the character of the papers read by me to the Senate is a perfect surprise. What those writers said of Walker's Pass had been measurably anticipated, and substantially said by Mr. BEALE and Mr. HEAP, who, under Col. BENTON's auspices, went over his favorite route, and whose observations were published from time to time by Col. BENTON himself, in your paper. Colorado, boldly declaring to him that, rather than of the positions of the Passes through the mountains. "bring mortification to you, I would die twice." The following is their account, as published by Col. BENTON in

"It was a source of the greatest regret and disappoint ment to Beale and myself that after having followed the route you traced out for us from Westport to the Mohave, we were compelled to abandon our intention of entering California through Walker's Pass. On reaching the Mohave our animals were completely broken down, and many of the men on foot. Our main reliance for subsistence was the game our men were able to kill, which consisted of an occasional sage rabbit. Our only remaining provision was pinole, which was reduced to a few spoonsfull a day; yet, had our mules been able to travel, we

the Cahon, or Cojon, or Cascon (Cahone) Pass, at the head of the Santa Anna.

"There are two equally good passes through the mountains into the great Tulare valley, viz. Walker's Pass, near the head-waters of Kern River, which affords an entrance into the valley somewhat to the northward of its upper or southern extremity, and the Tejon (Tayhone) Pass, which lies at the point of junction of the Sierra Nevada and Coast Range. This is the Pass through which the valley is usually entered, either from the Great Salt Lake Desert or from the valley of Los Angeles. It has frequently been called Walker's Pass, and most people make this mistake. Lake Buenavista, or Kern Lake, is about fifteen miles to the northward of this pass, and it is emphatically at the head of the Tulare valley.
"Walker's Pass is little known here. Lerouz evidently

meant the Tejon (Tayhone) Pass when he spoke of Walker's." This extract proves the anxiety of these men to "follow the route traced out for" them by Col. BENTON, but "were compelled to abandon" it. "We would have fol-'lowed out your plan to the end, but their (the mules) \* condition rendered this impossible." Hence they took

a better route. Mr. HEAP says further: "The Desert retained its level and monotonous character until we arrived at the Mohave river, at 7 P. M., our animals almost perishing from hunger and thirst."

"All our troubles as regarded a scarcity of water and grass were now at an end; and from this point our journey was over a level country, offering no impediment whatever to good road as far as the settlements in California."

Mr. Heap further says of Mr. Beale and himself that it was their intention to have selected-

"Two or three of the men to accompany us across the desert lying between the Mohave and Walker's Pass, in the Sierra Nevada; but we found that of all our animals there was not five that could travel over twenty miles in a day; and, as the intervening country was entirely destitute of water and grass, we were compelled reluctantly to

Let us understand this matter in its geographical detail. The Sierra Nevada extends nearly from north to South until it reaches Walker's Pass; at this point it turns and pursues a westerly course until it forms a junction with the Coast Range. It does not "run out" at Walker's Pass; for the lowest points, for near sixty miles, are Walker's and the Tejon Pass, and these are about 4,500 feet advocated by Col. Benton. high. The lowest point yet found is near the spot where the Sierra Nevada and the Coast Range form a junction; and even that is 3,100 feet high; it is six or eight miles to the people of Missouri he described asfrom the Tejon. To enable Eastern gentlemen to appreciate the magnitude of the scale upon which our California mountains are constructed, they will please recollect the fact that the height of the Alleghanies, where crossed by the Cumberland road, is 2,843 feet above the level of the sen.

A few words more in this connexion. Opposite Walker's Pass of the Sierra Nevada, and nearly west of it. there are two passes through the Coast Range of mountains-one called Walker's Pass and the other San Francisco Pass. Going from the city of San Francisco to South California, by the San Joaquin and Tulare valleys, the traveller goes through the Tejon Pass on to the plain east of the Sierra Nevada, and, after travelling south, crosses the Coast Range to Los Angeles.

If the traveller from San Francisco would go to Col. BENTON'S Coochatope Pass, or to Albuquerque, or even to the Southern route by the Gila, he would go through the Teion Pass. Mr. HEAP tells Col. BENTON:

" This (the Tejon) is the Pass through which the valley is usually entered, either from the Great Salt Lake Desert or from the valley of Los Angeles." "Lerouz evidently meant the Tejon Pass when he spoke of Walker's."

This evidence is as pointed as that submitted by me in the Senate, and is only less weighty because Messrs. HEAP, BEALE, and LEROUX neither measured heights nor distances. They could only conjecture either.

Why I am assailed for submitting evidence merely confirmatory of what Colonel Benton has himself published I cannot undertake to say; especially after the Secretary of War has expressly and officially informed Congress that the question of practicability is settled. Speaking of "Walker's Pass," Secretary Davis in his annual report says:

"Recent information from Lieutenant Williamson es tablishes the fact that this Pass is impracticable for a rail-

This fact, ascertained after an actual and elaborate survey, and not after a mere horseback reconnoissance, struments were bad or were unskilfully or falsely used. That this is his object, and that he finds it more convenot unlikely, for he begins thus :

"This is the account given of that Pass (Walker's) by two Government officers, and read in the Senate of the United States to influence-in fact to govern-a great national measure. Now, I wish to oppose to these judgments pronounced upon that Pass the description given of it by Mr. Fremont above nine years ago, when there was no question about rival railroad routes.

After giving a long description of the Pass by Mr. FRE-MONT. (who merely rode over the mountains without ac- gitude 103° 80'. The Colorado river is, judging from curately measuring the distance or ascertaining whether | the statements of the enterprising Mr. Aubrey, about the grade was one foot or five hundred feet to the mile,) two hundred and fifty miles east, and must, therefore Colonel Benton goes on to say-

"This is the description which Mr. Fremont gave of this Pass; and, although he was not educated at West Point, yet he knows 'a hawk from a handsaw,'" &c.

He repeats the "hawk" simile, and three times reminds the reader of a fact well known to the public that topographical engineers by the methodical and scientific training of West Point, and then contrasts their opinions.

I certainly shall not enter upon the defence of a corps now one of the most distinguished among those of the | the Coochatope route, I make out 1,115 miles. nations of the whole earth for scientific attainment, for their martial exploits, and for their high tone as members of society. But I do vindicate Lieut, WILLIAMSON from my having quoted him.

I say, then, at Col. BENTON's expense, that when he

cate the assertio gout of nothing; and, in behalf of an known by in Missouri. able officer absent on public duty, thousands of miles distant, I cannot but say that I believe an unequivocal, prompt, and unqualified retraction of the false presentation is demanded by every principle of justice and gen-

Mr. FREMONT has such knowledge of that Pass as a hasty ride over it nine years ago could give; Lieut. WIL-LIAMSON the knowledge afforded by a thorough and minute instrumental survey. The real knowledge of that Pass possessed by those gentlemen cannot be stated by way of comparison, but only by contrast; for the former really can know very little about it. Even LEROUX, upon whom Col. BENTON would have us all rely, supposed (so Mr.

HEAP says) that Walker's Pass was at the Tejon Pass! Col. BENTON thinks poorly of Lieut. WILLIAMSON's judgment in relation to the position of Walker's Pass. When the exact position of the mountains shall have been defined and mapped; when the best routes shall have been ascertained by the surveys of engineers, instead of by Mr. Heap and Mr. Beale were and are devoted friends of the conjectures of traders and travellers passing along Col. BENTON-the latter, amid the fearful disasters at the them, then I will give my opinion as to the relative value

Col. Benton speaks of a diagram of a city at St. Diego "laid off four miles square, to supersede San Francisco, the National Intelligencer of October 12, 1853, only two by help of Federal legislation and public plunder, and to make fortunes for all its lot-holders."

> For one, I have neither lots or interests at St. Diego, nor do I believe the engineers have. But one thing is certain: the supposed feasibility of the Walker's Pass route for a railroad has exploded, and hereafter it will route for a railroad has exploded, and hereafter it will business. If snow during some months should be found exist only in history; and of this fact "the mountain to impede the steam car in this elevated region, (guessed and the pass itself, durable as time, unchangeable as Nature, will be a witness subject to no mistake and no change."

The people of California desire and hope for, and believe that the people of the other States also desire, the would have followed out your plan to the end; but their condition rendered this impossible.

"We shall leave here in a few days and visit the Tulare of our trade, commerce, and population, along the shortest valley, entering it through the Total (Tayhore) Pass, which also affords a convenient pass into the valley from the east. We entered the valley of Los Angeles through the special the base pass to the valley of the Mississippi river. sippi river.

Col. Benton has endeavored to injure the engineers i charge of the surveys by naming a matter of little importance, whether "Walker," the Utah Indian chief, is a horse-thirf." Col. BENTON says he is not a horse-thief, or of California, and upon this expends near half a column. The object is to show ignorance and inexactness on the part of the engineers of the United States. Although the matter is of little consequence, I yet take it upon me to say that the engineers, in my opinion, are right, and their assailant wrong. Let us see. And first we will examine Mr. FREMONT, who says:

"We met a band of Utah Indians, headed by a wellknown chief, who had obtained the American or English name of Walker, by which he is well known. They were journeying slowly towards the Spanish trail to levy their usual tribute upon the great California caravan. were robbers of a higher order than those of the desert.'

I next take two extracts from an article furnished by Col. BENTON to your paper of the 12th of October last:

"On the third day after Mr. Heap's departure about wenty Utahs came into camp. They were somewhat mpudent at first, but Mr. Beale put on a bold face, and, knowing that he was wholly in their power, upon their nvitation accompanied them to their lodges. These Indians were all well armed and well mounted, and the valley in which they lived was found to be full of horses, undoubtedly stolen from California and New Mexico. Having gained the friendship of the Indians, Mr. Beale lived with them upon the most amicable terms, hunting with them and sharing whatever game was obtained un-til the return of Mr. Heap from Taos. "Walker is a remarkable Indian. He is not a chief by

hereditary right, but has risen to his present position as supreme chief of the Utahs solely by his own energies. He makes annual incursions into this country; and it is estimated that within the last four years he has driven off not less than two thousand horses.

Without going beyond the publications made by Col. BENTON himself, written the last few weeks. I think ordinary readers will find reasons for believing Walker not only a "horse-thief," but a "California horse-thief."

Having defended myself and those assailed on my acpresent position, to examine somewhat in detail the route mountains till July, this river is navigable for eight

He has filled the papers during many months with letters and speeches in favor of his route, which in a letter "Straight and smooth-not a mountain to be climbed,

river or swamp to be crossed, a hill to be tunnelled. Wood, water, and soil for continuous settlement; coal known to be on many points of the line; the whole tra-versable in winter, and all south of 39°, 38°, and 37°."

That route suits me; and, when found, and "a note nost ardent of my constituents-straight, smooth, without coal, and soil for continuous settlement all the way! What would not Beale have given to have been on Benton's route when strangling with the waters of the Grand River, or when almost dying with thirst on the endless deserts he traversed! But to be serious. Col. BENTON insists on a route of

which little was hitherto known; and he has made that so prominent and the others so offensive that the danger high; according to the Bear river Pass ascertainment of is that the public may come to think if his particular one FREMONT, snow ought to linger in the South Pass until June. is not feasible, no other can be. Those north of his route But many intelligent men, of solid judgment, firmly are impracticable because of the cold and the enow; those believe that a far lower pass will yet be found through south because they are too hot. It so happens that there the Sierra Nevada; also a better one than the South are three parallel roads running across Missouri from east | Pass, and a little south of it, in the Rocky Mountains. to west. Col. Benton, being in favor of starting the road Whether they will be disappointed or not I cannot say; to the Pacific from the western end of the middle road, but my faith in their success is so strong that I shall denounces the southern as the "Nullifiers' route," and zealously labor to obtain an appropriation for a thorough views the northern one as hyperborean! He would nar- survey in that direction, and every Northern and Western row our search for the best route to the State he in part man ought to design such an exploration. Col. Benton's represents, and compel us to start from his home in St. Louis, and then go by the way of a specified border absurdity is so noticeable that a school boy old enough to

his route is to be adopted, and that therefore they eught appreciate it. I will state it: At one place upon the to encourage the careful explorations of others, I will | Mountains the waters flow west into the Colorado; at a now state what I believe to be the insurmountable obstacles to the building of a railroad on the route he ad-

Col. BENTON proposes to start from the mouth of the Kansas, on the western line of Missouri, in north latitude settles the matter beyond the power of Colonel Banton to about 39° 10', and go some four hundred miles west up vers take their rise and flow off in epposite directions. dom and firmness of the citizens and authorities preventthe Kansas, and there cross into the valley of the Arkansas, near Bent's Fort; thence up said river to the Huerfano, and along the latter and through the Sierra Blanca mounnient to attack the earlier and incomplete accounts sub- tains to the Del Norte, in about north latitude 37°; from mitted by me than the positive and ascertained results this point nearly due north, about one hundred and twenty where these great rivers take their rise will be found the officially announced by the scientific Secretary of War, is miles, to Coochatope, in north latitude about 39°; thence highest part of the mountains. It must be so; for water westerly across numerous rivers to the Wah-satch Mountains : cross these, and go southwest to the Vegas de Santa Clara : from thence in such direction as to strike the eastern line of the State of California, "opposite the end of the Sierra Nevada, at Walker's Pass."

Walker's Pass is in north latitude 35° 17', and is put lown by Col. Benton as in west longitude 118° 30'. Capt. GUNNISON found the mouth of the Huerfano in west lonbe in west longitude about 114° 20'. The distance between the mouth of the Huerfano and the point on the Colorado, opposite Walker's Pass, is 10° 50' of longitude. Calling a degree sixty miles, (Col. Benton estimates fifty-six,) the distance is six hundred and fifty miles. Messrs. Beals and Hear travelled from the mouth of the Mr. Fremont has not had the advantages afforded to the | Huerfane to the valley of the Mohave west of the Colorado. From the Vegas to the Colorado, opposite Walker's Pass, is about as far as from the Vegas to the Mohave. The distance, according to their estimate, while favoring

Can any thing prove more conclusively the infelicity of Col. Benton's selection of routes than the unaderned fact that a road of 650 miles in length is protracted, by from Col. BENTON's slurs, when they are cast upon him its numberless sinuosities, to a distance of 1,115 miles? That it falls off 120 miles to the south, from the Kansas point on this part of the route. By a rough calculation I in Nebraska, to the Rio Grande in New Mexico, and says that the Walker's Pass of the Sierra Nevada "is thence runs back north 120 miles up to latitude 39°, and To get into the valley of the Rio Grande del Norte of at the bottom. The discovery has excited considerable called by Lieut. Williamson 'the Walker's Pass of the into Utah Territory; and then back into New Mexico, we thus see that Col. Benton has to go over curiosity in the vicinity.

In 1846 Col. Bunton desired Congress to favor a differ- Eric Railroad! ent route. He said in his speech in the Senate that year that:

"Lewis and Clark were sent out to discover a commercial route to the Pacific ocean, and so judiciously was their enterprise conducted that their return route must become, and forever remain, the route of commerce; the route further south, through the South Pass, near latitude 42, will be the travelling road, but commerce will take the water line of their return, crossing the Rocky Mountains in latitude 47, through the North Pass."

He further adds: "The North Pass is as easy as the South-practicable by any vehicle in a state of nature, and no obstacle to the full day's march of the traveller. Lewis and Clark made thirty-two miles the day they came through it, and without being sensible of any essential rise at the point of separation between the Atlantic and Pacific waters. To the right and left the mountains rose high, but the pass itself is a depression in the mountain, sinking to the level of the country at their base. From this pass to the Great Falls of the Missouri, and nearly east from it, is sixty miles-in all, one hundred and fifty niles from the forks of Clark's river to the Great Falls of the Missouri, which, added to sixty miles from Clark's feet, which is 749 feet lower than Coochatope. river to the Upper Falls of the Columbia, gives two hundred and ten miles of land carriage between the large navigable waters of the Columbia and Missouri.

"This is the sum of my best information on the subect, the result of thirty years' inquiries, and believed to a superfices map, with barometrical, geological, botanical, astronomical, and meteorological tables and observations, would solve every question, and be a large contribution to the science of the age and to the future transaction of to be seven thousand feet above the level of the sea, ) that same snow becomes the basis for the next best land conveyance after the steam car—the sleigh. So that this little intervention of dry ground between Canton and New York will prove to be no obstacle either in summer or

winter.
"Arrived at the Great Falls of the Missouri, the East India merchant may look back and say, my voyage is "This," says Col. BENTON, "is the North American

road to India, all ready now for use, except," &c. But in 1849 he began to doubt the feasibility not only of the North Pass, through which "the result of thirty years' inquiries" had convinced him "the route of commerce" would lead and " for ever remain," but the South Pass, and the Pass one degree south of that, also!

In his speech in the Senate on his Pacific Railroad bill-February 7, 1849-he elaborately examines the works of FREMONT, and makes numerous and copious extracts to show the nature, value, position, and height of the Rocky Mountain Passes, and, among other absurd things, says: "Mr. Fremont (in this third expedition) went on a straight line from the frontier of Missouri, near Independence, to the Bay of San Francisco, and found a practicable way and an inhabitable country.'

I do not believe that either of the three principal propositions in the foregoing short sentence can be maintained by either Col. BENTON or by Mr. FREMONT, notwithstanding the positiveness of the assertion. And Col. BENTON evidently shares my unbelief; for in a subsequent part of his speech he thus admits the impracticability of building a railroad on his route:

"I begin with railway, as far as practicable and advan ageous, leaving it to practical men to say where it is not. The difficulty which presents itself to my mind is the deep snow which continues for so many months in the year and lies o deep among the Rocky Mountains. It is for practical men to say whether the railroad can go there, or whether it will be necessary to find some other conveyance—the sleigh, for example—for that region, in the time of the snows."

This was the 7th of February. On the 2d of the preceding month Mr. FREMONT'S "Geographical Memoir" had been ordered to be printed by the Senate. On the 19th page of that work he says:

"All the large tributaries, the Aux-um-ne, To-wal-um ne, Stanislaus, and Mo-kel-um-ne, required to be boated, and were pouring down a deep volume of water from the mountains one to two hundred yards wide. The high waters came from the melting snows, which, during the past winter, had accumulated to a great depth in the mounains, and at the end of June lay in the approaches to the Bear River Pass on a breadth of ten or fifteen miles, and this below the level of 7,200 feet. In rainy seasons, when the ount, I propose, in vindication of my former course and rains begin with November, and the snows lie on the Nevada to the Colorado river; and, as a subject of genemonths in the year-the length of time depending on the

With this ascertained fact before him, Col. BENTON did well to qualify his assertions by talking about the culty" presented to his mind, and by proposing to leave it to "practical men to say whether the railroad can go there, or whether it will be found necessary to find some other conveyance—the sleigh, for example—for that region, in the time of the snows."

Where did he want it to go, and to what region made of it," shall receive an unreserved support. It is a his doubts apply? Of course to the route he is discusswonderful route, and exceeds the highest hopes of the ing, viz. the "strait line" from Independence to the Bay of San Francisco. This line would take him over the ivers or swamps, and yet abundance of water, wood, Rocky Mountains at a point about 10,000 feet high, and of course where, according to FREMONT, no railroad could be used in the winter.

Let us look at Col. BENTON's route, and indulge the supposition that the snow will melt as early in the season in the gorges of the Rocky Mountains as they will at a similar height in the Sierra Nevada.

The South Pass, according to FREMONT, is 7,490 feet route is not merely impracticable, but ridiculous! Its distance from thence the creeks run north into the Great Platte. Here, then, within a small area, four great rilook at the map must show any scholar that at the spot runs from high ground to low; and, as the water runs each way from that spot, that place must be the highest in that vicinity.

In that exact spot is Coochatope, the pass about which Col. Benton has written and spoken so much! An examination of the maps will show that the passes in that neighborhood are the highest in the whole Rocky Mountain range, from Mexico to the British possessions. The North Pass Col. Benton, as we have seen, estimates at ,000 feet; El Paso is some 3,000 feet, and Coochatope, lying between them, is the highest in the whole range!

But let me submit proof, and then we shall see whether Col. Benton's abandonment of the South Pass and the North Pass for a new and unknown route was discreet. The South Pass is 7,400 feet high; the Pass this side of the Rio Grande, through the Sierra Blanca, so elaborately praised as not having a "distinguishable rise" in

it from river to river, is best described in the following sententious language of one of those engineers now sleeping in his own blood"-engineers cruelly murdered and mutilated by those accursed Indians so undeservedly eulogized by Col. Benton: " August 11th .- Within a mile of the summit of the

Sangre de Christo; elevation 8,400 feet." "August 13th.—We have at last reached the highest make the elevation 8,800 feet above the level of the sea.

Coast Range," he says that for which he has no authority. | quite down to latitude 35° 17', fully accounts for this | a mountain 1,310 feet higher than the South Pass which He has allowed himself to become so unjust as to fabri- wonderful distance, and also for the name this route is he has abandoned! The additional elevation is, probably, as high as the aggregate elevation of the New York and

But let us go a step further into these vast and immense mountains, and look at the Coochstope Pass, of which Col. Benton has said so much, and which he has labored so zealously to have us prefer over all others, north and south of it, before we knew any thing about it. The same engineer says:

"About one o'clock on the 1st of September, 1853, we stood upon the ridge dividing the waters of the Atlantic and Pacific oceans. A storm of rain and hall poured upon us, and as barometrical observations had to be taken we built a fire. From these observations I make our height eleven thousand and eighty-two feet above the sea.

Eleven thousand and eighty-two feet high! Ascend into the air two miles high, then build from that height the Washington monument five hundred feet, and still the summit of Coochatope would be twenty-two feet higher than the top of the monument! Throw the Allegbany mountains on the top of the South Pass, and then run a railroad over it; the height of the road would be 10,383

Coochatope is higher than any pass in North America through which mules have been driven. Fremont measured the Middle Park and found it 10,430 feet high; he conjectured the South Park was 11,200 feet, or 118 feet be correct; but an accurate topographical survey of the country between the two rivers, and a profile, as well as in such matters. Col. Benton guessed Coochatope was 7,000 feet. Fremont said, from merely riding through it some years ago, that the Sangre de Christo Pass had scarcely a distinguishable rise in it, yet this last summer when some travellers passed through it they had to let their wagons down by means of ropes, and the engineers found the ascent to be by the hundreds of feet to the mile! If a man of the experience of FREMONT cannot guess better than that, conjectures had better give place to ascertained facts. Roubidoux's Pass, from which so much was expected, proves to have a grade of three hundred feet to the mile. The truth is, little is as yet known of that huge mass of mountains, and ranges of mountains, placed by an Almighty hand upon the elevated plains lying between the Mississippi river and the Pacific ocean. And no man shall be tolerated by me who attempts to influence my judgment with surmises, how honest soever they may be. Nor can I look with partiality upon routes whose advocates dread the approach of the compass and chain, and substitute the buffalo for the barometer, and the traveller and the trapper for the engineer and his harmless instruments.

> I am for the best route as ascertained in the best manner. Let guides, and travellers, and all men having local knowledge, indicate known and supposed routes; but let science ascertain their length, direction, grades to the mile, altitudes above the sea, climate, waters, soils, productions, &c. in so exact, precise, and ample a manner as to command our implicit confidence. My constituents want a road with good grades and curves, that can be travelled without hindrance every day throughout the year: they want a road from San Francisco to New York, and they desire it so located as to enable them easily and cheaply to visit New Orleans on the one hand and Chicago on the other.

> In these views I fully sympathize with them, and in the performance of my duty to those I represent I introduced the bill and accompanied it with the remarks and papers which have occasioned the assault of Col. Benton upon me. The bill asks for a grant of land larger than has ever been made to a State for railroad purposes by the General Government. My motion was to refer it to the Committee on the Public Lands, upon whose decision its failure or success in the Senate depends. I produced Mr. Stoneman's letter, published months ago in a San Francisco newspaper, to inform the committee and the Senate of the vast extent of unproductive country in the great San Joaquin and Tulare Valleys, and the difficulties which would attend the construction of a railroad in that region. I produced Mr. Aubrey's notes, published in a New Mexico paper, to bring to the notice of the committee and the Senate the difficulties to be encountered in the construction of a railroad through the arid plains of the Great Colorado Valley, extending from the Sierra ral interest to the country, I published the whole of Mr. AUBREY's notes of his journey from the Tejon Pass to the

My object was to deal fairly with the Senate and the country; to show that great difficulties had to be everome in the construction of the great Pacific Railroad in the State of California, and that we must receive an ample donation from the public domain within that State to enable us to build our portion of the road. It is well known that Walker's Pass was my favorite route for the railroad. and that I so announced to the Senate on various occasions last winter; but when it was ascertained, from scientific examination, that it was impracticable for a railroad, and that there was another pass not far distant fourteen hundred feet lower than Walker's, and practicable for a railroad. I abandoned the former and am prepared to adopt the latter. .

My object in introducing the bill is not to provide aid for such roads as California so much needs, far from it.; but a couple of trunk roads, to be so located by California as to enable the Atlantic States to build a road to reach San Francisco either by the way of Texas, New Mexico, the South, or North Pass of the Rocky Mountains, as they may decide.

With great respect, your obedient servant, WM. M. GWIN.

STREET PREACHING.

It cannot be disguised that there is a feeling of religious animosity growing up between the Catholics and Protestants in this country. We consider it a matter of regret; for, although there cannot be a union of sentiabsurdity is so noticeable that a school boy old enough to read maps, and that has learned that the head of a spring-That the public may know how exceedingly unlikely branch is higher than its distant mouth, can grasp and of controversy may arise. The era of destructive bigotry we trust is never to be revived. It would be a greater disgrace in this country, where toleration is so broad and unbounded, than in any other part of the world. The point not far distant the waters flow east into the Arkan-sas; on another side, and close by, the water of the springs runs south into the Rio Del Norte; and a short kindle a great fire. It behooves all, therefore, to be peaceable and kind. The disturbances at New York last From the very springs these waters flow with a rapid od it. We confess that we do not like denunciation, and current, and, passing over precipices and through canons, find their way to the Atlantic and Pacific oceans. A mere When there is talk of assault and resistance it gives pain to believe there will be any religious riot at this day. Common sense has too great a majority to admit that.

CONVIDENTIAL LETTERS .- In the case of Joseph Jasigi against James Brown, recently tried at Boston in th United States Circuit Court, the plaintiffs sought to re cover damages for alleged fraudulent representations made to them by the defendant in reference to the standing and credit of some business firms in Connecticut. The representations were made in a letter to a Mr. Curtis, marked "confidential," and shown to the plaintiffs at their solicitation. Judge SPRAGUE ruled that, as the etter upon the face of it was a confidential letter, the receiver had no authority to exhibit it or state its contents to any other person without the authority or consent of the defendant, and that all the evidence which the plain tiffs had introduced or offered would not warrant a jury in finding that the defendant had ever given such authority or assent. The plaintiffs excepted to these rulings, and propose to carry the case to the Supreme Court at Wash-

Gov. Young, of Utah, orders men, women, and children to go into the field to harvest their grain armed with butcher-knives and fire-arms. He says that almost every good rifle in the Territory has been traded away to the

A RIVER FLOWING UNDER A CITY .- The Newark (N. J. Advertiser states that some persons who were engaged i grading the streets of that city on Saturday last, while working at the corner of Nesbitt street, came upon a large hole, about twenty feet deep, two feet wide at the mouth, and seven at the bottom. A stream of water, five feet deep, running in a southeast direction, was found

A PUBLIC RECEPTION AT NEW YORK.

FROM THE N. Y. COMMERCIAL ADVERTISER OF TUESDAY. A public dinner was given in the Broadway Theatre last evening to congratulate one of the Irish exiles, Mr. John MITCHELL, on his escape from Van Dieman's Land. The number of persons pre-sent was estimated at above twelve hundred, including ladies and other spectators who occupied seats in the boxes. Among the spectators were Mr. Mitchell's family, to whom the honors bestowed upon him must have been peculiarly gratifying.

The United States District Attorney, Charles O'Coxon,

Esq., presided, and he prefaced the reading of the regular toasts by delivering a very eloquent address in eulogy, first, of Montgomery, Lafayette, and others of foreign birth who fought for American independence; and, second, of the numerous Irish patriots who have struggled ineffectually for the independence of Ireland.

The regular toasts were then drank with the usual honors, as follows :

1. The President of the United States-The Monarch enforces by arbitrary power the homage of his subjects; the wis-dom and virtue of our Chief Ruler secure the regard of a free

The Governor of the State of New York 3. The Memory of Washington, Jefferson, and the Signers of the Declaration of Independence. JOHN McKEON, Esq. responded to the third toast.

4. Our Guest, John Mitchell-His services and sacrifices for his country render his name imperishable on the pages of its history; from the prison and the chains to which tyranny consigned him we welcome him to freedom in America.

This called up Mr. MITCHELL. He began by express ing in exalted terms the gratification he derived from eing so warmly welcomed to America, and then proceeded to estimate the value of his reception. He said that with all the predisposition in the world to doubt and undervalue and disparage popular demonstrations in general, he could not refuse to see in the public honors heaped upon him a significant, a portentous fact. "He knew well, indeed, what the English press will

say, and will try to think of it. The Americans, they will say, (for he knew their slang by heart,) love a little excitement and novelty. Mario and Grisi not having arrived as expected, the merry public of New York conde scends to amuse itself in the mean time with the rantings of an Irish rebel or two. Then there is the 'Irish vote, as it is called. Scheming politicians, they will say, want to make capital for Hard Shells or for the Soft, and so they force themselves to enact a little Hibernian enthusiasm for one evening.

"But this explanation will not serve; though comfort-

able to the British mind, it is not true. There is something deeper; for, in the first place, he was no orator that should draw an audience, enchained through its ears, as the queens of song can do; neither could he be of the smallest service to Hard Shells or to Soft. In political conchology he had no skill; the mystery of Hunkers was unknown to him, and what a Silver Grey may mean, alas, he could not tell. He would suggest a solution of the problem, which John Bull may consider at leisure. The explanation perhaps is, that Americans, much as they relish a spicy religious controversy or an impassioned political harangue; much as they love dollars and clip-per ships, love freedom and justice more. A rich and prosperous neighbor is liked well enough here as a customer, but a baffled, beggared, outlawed votary of free-

Mr. Mitchell then anticipated that the monarchical the Americans a breach of international comity. And in this connexion he took occasion to censure Secretary share in common with every foreigner resident here, Marcy, in a style which is calculated to alienate the sympathy of the American people. Remembering how abroad. Koszta's case rests solely on the ground rapidly M. Kossuth's popularity diminished when he of the protection which had been assured him by ment, it does not seem probable that the disquisitions of right acquired, under the laws of the United States Mr. Mitchell will lead to a different result. The Ameri- by virtue of his declared intention to become a citi can people are wont to canvass the official conduct of their own statesmen very freely, and will always give hospitable receptions to political exiles from every country, but they are justly jealous of foreign interference. We venture to say, therefore, that the following passages of Mr. Mitchell's speech will be universally condemned :

"International comity is a great matter; even some American'statesmen cultivate that branch of good manners. I perceive that the Secretary of State at Washington, in his last note to the Austrian Minister, actuated certainly by the nicest sense of diplomatic courtesy, has taken care to warn all adventurers and seditious propagandists that the United States will in no wise sanct or protect them if they engage in fraudulent machina-tions call on the same errand; and, as there is no order tions for disturbing the internal quiet of other nations; at the Legation authorizing the granting of passports to Rio del Norte. I produced Mr. Williamson's letter to and he further declares 'that the United States will do show the difficulties we had to encounter in the Sierra as much as any of the European Powers to promote tran- grow indignant, and in some cases abusive. 'We have In all this there seems to me. I confess me of comity toward the sceptred conspirators of Europe, and less of generosity toward their exiled victims, than I State Department not to grant passports to any who are should have thought befitting in the manifesto of an Ame-

"Mr. Secretary Marcy says that the United States Government will do as much as any of the European nafeeling and courtesy towards the crowned heads by terming their fugitive enemies adventurers and seditious propagandists. I would that I could know whether this Secretary does truly herein represent the sentiment of the Has America indeed as deep an interest in the tranquillity of Ireland, and Hungary, and Germany, un-der their several Emperors, and Kings, and Grand Dukes, as those Emperors, and Kings, and Grand Dukes themselves? And if America has a mind to engage in this ontest of politeness, where will she stop place detectives to watch our houses and to dog our motions? 'America will do as much.' Will your Postmaster General (forgive me for imagining the bare possibility pression, and copy the contents? Shall we never take a etter from the postman without carefully examining to see

Citizens of New York, I thank you; and I have repaid your kinkness at least with candor. No Secretary or man shall charge me with fraud. I am a professed revolutionist now, an adventurer, a seditious propagandist. I mean to make use of the freedom guarantied to ne as a citizen or inchoate citizen of America to help and to stimulate the movement of European Democracy, and especially of Irish independence. I mean to claim revolutionary refugees here not only the hospitali ty and the comity of America, but also her sympathy and ctive friendship; nay, I claim for them that America shall be to them the very standing ground prayed for by Archimedes, whereon they may plant a lever that shall

We have not room to-day to comment on this speech as t deserves. But comment is scarcely necessary. We are much mistaken if every American citizen, native or naturalized, Whig or Democrat, who reads these passages from Mr. Mitchell's speech, does not feel indignant that such an unjust attack should be made upon an offi-

letters from Postmaster General Campbell; Senators Cass, Shields, Seward, and Fish; Major General Scott; Bishop Wainwright; Archbishop Hughes; and Mr. Thos. O'Conner, acknowledging the receipt of invitations to the frequent occurrence, and recommends that an American dinner, and giving various reasons for non-attendance.

The New York Evening Post, in noticing the above festival, and especially the speech of Mr. Mitchell, makes the following comments, which, as coming from a pen of an intelligent citizen, will be read distant day all our coals will be obtained from that island with interest :

" Mr. MITCHELL, it is evident, is a ripe and accomplishd scholar as well as an earnest patriot. His allusions to the distinguished exiles now wandering over the world was full of a touching poetry and pathos. "In the swamps of Cayenne," he exclaimed, "they tend the sugarcane, or they are hoeing corn on the penal farms of Algeria. Somewhere in Ohio wanders, and feeds his hogs, the German Uhland, (which we much doubt, by the way.) Oh, heaven! Apollo is once more among the it is the sun-god. On some tropical palm-tree hangs commerce in the North Pacific .- Alta California. now the silent harp of Ferdinand Freiligrath : in silence he devours his heart, and song comes to him never, never more. These two men were members of the Frankfort Convention : their tri-color is trampled down, and by the rivers of Babylon they sit and weep. Garibaldi moulds candles, or curries hides, or commands a with the zeal of an under-graduate, I see the stately

The allusion, however, to Mr. Marcy, as having transcended a proper diplomatic courtesy in his Koszta letter, impossibilities.

was not in such good taste. It was bold, certainly, even to impertinence, but scarcely just to the entire tone and spirit of that celebrated document, which, more than any thing that has been written for years, has subserved the cause of republicanism in Europe. As one of the European republicans, as an exile in whose interests that paper was written, as an inchoate American citizen whose rights it establishes by such impregnable logic, Mr. Mitchell should have expressed his gratitude to Secretary Marcy for the position he had so boldly taken and so vigorously supported, instead of indulging in ridicule and sneers at his expense. He should not have coupled Mr. Marcy's attempt to guard against a perversion of his doctrine of nationality, as asserted in the Koszta case, with the act of Louis Napoleon in ordering Kossuth to keep off of French soil, nor have branded it as a "comity towards the sceptred conspirators of Europe." We confess, when we heard the passage, it struck us as something worse than bad taste-as-but we will not characterize it as it deserves.

What is Mr. Marcy's offence? After announcing the doctrine that the United States would protect all whowere "clothed with its nationality," whether native, naturalized, or semi-naturalized citizens, he adds, as he was bound to add by the necessities of his argument, by the truth and law of his case, that there was nothing in this doctrine to excite an apprehension that the privilege of American citizenship would be made use of by political agitators for fraudulent purposes. "It does not," he says, "extend the shield of its protection over adventurers or seditious propagandists who may go from this to other countries to engage in enterprises designed to interfere with their political institutions or disturb their internal quiet." Yet this obvious qualification, this wise precaution, Mr. Mitchell is pleased to describe as a spe-

cies of homage to the tyrants of the Old World.

Would he have had Mr. Marcy say that the United States were willing to take up the cause of all men who should choose to pick a quarrel with their Governments, and fly hither to declare an intention to become citizens? Why, that position would have involved us in less than six months in a war with all the nations of Europe, and of Asia, too! It would have made the pretence of American citizenship a cloak for all kinds of tresonable and editious actions, and broken the force of our sympathy n all really great and deserving cases of national revolt. Mr. Mitchell must revise his opinions of international law, or be more careful in his expression of them. The utmost that Kossuth asked of us was tame compared with this monstrous proposition that we should make ourselves the nursing-mothers of all the impracticable dreamers of

THE KOSZTA CASE.

It will be seen from the following extract from a London letter of the 2d instant, to the editor of the New York Courier, that Secretary MARCY's exposition of the Koszta case has given trouble to Mr. Buchanan, by encouraging foreigners abroad who have been in the United States, and have given notice of ther intention to become American citizens, to apply for passports. He finds it difficult when they come armed with the Secretary's letter to convince them that the mere notice of an intention to renounce their allegiance to the Government of their native country and to become a citizen of the United States does not give them the press of Europe would consider his gordial reception by slightest right to the privilege of a citizen when in this country, in distinction from those which they or any claim whatever to a passport if they go undertook to dictate the policy of the American Govern- an American consul in Turkey, and not upon any zen.—Boston Daily Advertiser.

"The publication of Mr. MARCY's Koszta paper has given the American Legation in London some trouble, and placed both the Minister and the Secretary in a disand placed both the Annuscontinental political refugees, now in England, understand the Secretary of State to say that the United States recognise all political refugees as American citizens, whether they have been in the United States and declared their intentions to become American citizens or not: and on this strange notion they call at the Legation for passports and American protec-tions to enable them to visit the Continent, many of them being anxious to engage in the present war. Some who have been in the United States and have their declara-'but, en the contrary, we have positive orders from the not citizens either by birth or the required residence! Then your Government is inconsistent, for Mr. Marcy clearly says the declaration to become a citizen entitles the declarer to the protection of the Government; tions to maintain tranquillity; and he shows his good and that being the case you are bound to grant such persons passports; and if you do not, and thus act by order of the State Department, then Mr. Marcy's Koszta letter did not express the policy of the Government, and was intended to deceive.

REMITTING MONEY BY MAIL. - In a case recently tried before the United States Circuit Court at Richmond. Chief Justice Taney presiding, the question arose whether money remitted by mail to a creditor, such money Will you being lost before it reached its destination, was a release of the debtor from obligations of the debt? The Chief Justice decided that the plaintiff having requested his ter General (forgive me for imagining the bare possibility of it) soften the seals of our letter, and imitate the iming how it was to be sent, and the defendant having complied with the request by remitting through the mail, as was the custom of others to do, the debtor would not be whether any comity has been practiced upon our sealing held liable to make good the loss. The decision is i conflict with other cases involving the same principle, the Chief Justice holding that the former decisions were not

> A bill is before the Georgia Legislature prohibiting slave children under five years of age from being sold separately from the mother, and also to prevent as far as possible the separation of families.

VIRGINIA LEGISLATURE -A bill has passed the Senate authorizing the board of the literary fund to purchase from the faculty of the college of physicians of the Valley, lege building thereon, and providing for the medical education of indigent young men at said college. The bill proposes to educate fifteen young men in lieu of the interest on the loan of \$5,000.

TROUBLES IN PERU.-Capt. James H. Haughton, of ship Memnen, writes to the Nantucket Inquirer, under date Paita, November 1, stating that a party of twenty-five men, whose leader had made himself offensive to the Peruvian Government by publishing certain facts in Lima cer of the American Government by a man who at the mewspapers, sought the protection of the U. S. consul, S. moment he uttered it was enjoying American hospitality.

At the close of Mr. Mitchell's address, Mr. O'Conor read

National Guard surrounded the house and fired into it, killing one man, wounding two others, and endangering the lives of the Consul and family. The refugees were forcibly carried away and the consul threatened with arrest. Capt. Haughton says similar outrages are of

> man-of-war be dispatched to that vicinity. VANCOUVER'S ISLAND .- A few days ago we recorded the arrival of a carge of coal from Vancouver's Island, the first coal brought to San Francisco from the North Pacific. We understand that other vessels are now engaged in obtaining the same lading; and it is hoped that at no or of Oregon. Coal is abundant in Oregon, but it is not

as easy of access as that in Vancouver's Island.

This island is destined to become a point of great importance for San Francisco. It is about 50 miles wide by 400 long, and distant north from this city about 900 miles. The soil is fertile and well watered; timber is abundant, coal plenty and accessible, the climate healthy, and there are several good harbors, and well situated for commerce. The population of the island is about 600, of whom one-third are connected with the Hudson's Bay Company. The island will soon rise in importance, though it would undoubtedly have been settled and imway.) Oh, heaven! Apollo is, once more among the proved in much less time if it had been the property of herdsmen of Admetus, and the herdsmen know not that the United States. It will be the main point for British

FISH CULTURE.—It appears from a report published in France that at the piscatory establishment at Huningen on the Rhine, there have been deposited about two hundred thousand eggs of the Rhine salmon and of the large trout of the Swiss lakes, all of which are now duly fecundated; and that the new process has been found equally successful with about one hundred thousand eggs of the trading brig. Pacing the forest paths of Van Dieman's same description which were deposited some time since Land, listening to the murmuring Derwent, or studying at the College of France. Considerable money has been appropriated lately for distributing these last throughout the departments of France; so that in a few years this branch of pisciculture will probably be carried to such perfection that famine will take its place among modern